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09/466,236

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/466,236

Applicant(s)

PARTOVI ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) claims 2-18, 20-28, 30, 31, 33—35, 37-47, 49, 51, and 53-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) claims 2-18, 20-28, 30, 31, 33—35, 37-47, 49, 51, and 53-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 11 April 2006 has been entered.

### ***Response to Amendment***

The Applicant amended claims 2, 3, 5, 8-12, 15, 17, 20, 21, 23, 26, 27, 30, 33, 37, 38, 42, 43, 46, 49, 51, and 53-61. All pending claims 2-18, 20-28, 30, 31, 33—35, 37-47, 49, 51, and 53-61 were examined in this non-final office action.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2, 3, 5, 8-12, 15, 17, 20, 21, 23, 26, 27, 30, 33, 37, 38, 42, 43, 46, 49, 51, and 53-61 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner is suggesting the Applicant consider a telephonic interview for further discussion.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 61 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

A signal per se is not the type of subject matter that is considered statutory. If the signal claim is interpreted as an abstract arrangement "to be transmitted", or as a transmission in transit, rather than a physical signal statically embedded in a physical computer readable medium, the signal claim is considered non-statutory.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 2, 3, 5-7, 15-18, 20, 21, 23-25, 30, 33, 51, and 54-61 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397).**

Cohen teaches a system and method of allowing a user to audibly and interactively browse through a network of audio information forming a seamless

integration of the world wide web and the entire telephone network browsable from any telephone (see at least abstract; col. 1, line 5 through col. 2, line 67). Cohen allows a user to request, navigate, retrieve, and store information from a network of telephone stations, interactive voice response (IVR) stations, voice-enabled web pages, and regular web pages (see at least col. 3, line 65 through col. 4, line 3). Cohen further teaches:

- Operating a computer system that is unaffiliated with a second computer system utilized by a merchant to provide electronic commerce, the computer system being configured to respond to an audio command representing an audio purchase request received via a telephone interface system of the computer systems; browser controller is configured to respond to audio command representing user actions (i.e. via voice or dtmf tones) (see at least col. 3, lines 3-41; col. 5, lines 1-26; col. 6, lines 26-36); used in internal or external call centers (see at least col. 13, lines 10-17); browser controller unaffiliated or affiliated with second computer (i.e. airline using an external call system that implements the browser controller or airline leases time on a browser controller vs. airline providing a user access to browser controller) (see at least col. 13, lines 9-17).
- in response to receiving the audio request, causing the computer system to establish a communication link with the second computer system; single command model; receiving an audible command and then taking action based on the user's request (e.g. user speaks a single command

"weather" and the browser controller dials the number it knows for the local weather report and allows the user to listen to the report (see at least col. 9, lines 43 through col. 10, line 9); audio enabled and voice enabled web pages (see at least col. 3, line 65 through col. 4, line 17).

- and, causing the computer system to electronically interact with the second computer system to perform the electronic commerce transaction initiated by the audio purchase request. a user purchases airline tickets using an automated system that uses the browser controller (i.e. in unaffiliated relationship with airline as noted above) (see at least col. 12, lines 39-55),

Cohen teaches all the above as noted under the 103(a) rejection and teaches a) a user interacting with the system via a telephone using voice commands or dtmf tones, b) accessing electronic commerce services over the Internet using audible commands, c) the system receiving an audible command and then taking action based on the user's request (e.g. user speaks a single command "weather" and the browser controller dials the number it knows for the local weather report and allows the user to listen to the report), and d) a user purchases airline tickets using an automated system that uses the browser controller (i.e. in unaffiliated relationship with airline) (see at least col. 12, lines 39-55), but does not specifically disclose the process of making purchasing requests. One of ordinary skill in the art at time of the invention would have

ascertain the automated system using the browser controller to facilitate ticket purchases as receiving audio purchase requests from the user and communicating the purchase requests to the airline.

- Claims 2 and 3, recognizes user; profile; subsequent actions: caller id, asks for account PIN number, speaker verification (see at least Fig. 2 (200); col. 10, lines 40-45); system stores user preferences (i.e. a profile, stores "mom's" phone number and retrieves "mom's" phone number) (see at least Fig. 2 (206); col. 9, lines 60-63; col. 10, lines 51-53). Please note: user preference used in at a first or subsequent request to a second computer (e.g. "call mom") (see at least Fig. 2 (206); col. 9, lines 60-63); user wake-up word unique to user (i.e. a password) (see at least col. 5, lines 65-67).
- Claim 5, providing a (third) audio request over the telephone interface; user speaks hyperlink address (col. 2, lines 22-33; col. 3, lines 26-34).
- Claim 6, second computer system includes a web server providing HTML order forms. HTML extension, hypertext links (see at least col. 7, lines Controller browser interacts with web server(s) serving up web pages (old and well-known to transmit HTML-based documents
- Claim 7, second computer system supports HTTP. conventional protocol HTTP used on the world wide web (see at least col. 7, lines 10-16).
- Claim 15, 17, and 18: uses voice recognition as above using "weather" example. Inherent in Cohen are the structures necessary to permit

receiving a verbal request and performing voice recognition to determine a product and merchant. For example, the system uses voice recognition to facilitate airline ticket purchase by user which for it to be useful identifies the seller (i.e. which airline) and what the user purchased (i.e. a seat on a particular flight).

- Claim 16: system uses voice or keypad tones to communicate with system as previously noted. Inherent in Cohen are the structures necessary to permit decoding touch tones to determine user responses.
- Claim 51: earcons (see at least col. 3, lines 12-19); surrounding audio text with pauses (see at least

**2. Claims 4 and 22 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Official Notice (admitted prior art in Paper #21 regarding old and well-known referred to as "ON1").**

Cohen teaches all the above as noted under the 103(a) rejection and teaches identifying the originating caller using "any known method" (see at least Fig. 2 (200); col. 10, lines 40-43), but does not disclose using a reverse lookup directory. The Examiner takes the position that conducting a reverse directory lookup based on telephone numbers to extract customer identifying information is old and well known in the telecommunications industry. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify



the system and method Cohen to include reverse directory lookup to identify a caller as taught by ON1, in order to provide another method to identify a caller.

**3. Claims 8-10 and 26-28 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Yasin (PTO-892, Item: U).**

Cohen teaches all the above as noted under the 103(a) rejection and teaches a) implementing user access security, b) http hypertext transfer protocol, c) conventional HTML and voice markup language based on XML, and d) TCP/IP Internet transmission protocol, but does not disclose using other security features. Yasin teaches secure sockets layer (SSL) as the defacto standard for Web security, and further teaches SSL being used to secure HTTP (i.e. HTTPS), FTP, and Telnet sessions (U: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Cohen to comment on SSL as the defacto standard for Web security as taught by Yasin, in order to convey additional information on Web security standards.

**4. Claims 11-14, 31, 34, and 53 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Official Notice (regarding old and well-known in the arts, hereinafter referred to as "ON2").**

Cohen teaches all the above as noted under the 103(a) rejection and teaches a user conducting transactions using audio (i.e. tones or voice input, text-to-

speech or audio-enabled output to the user) to interact with online commerce services, and further teaches and suggests a user purchasing airline tickets via audio purchase requests. Cohen, however, does not specifically disclose a known business practice of providing the user receipts as verification of a purchase transaction. The Examiner takes the position that it is old and well known in the arts for a consumer making a purchase to receive a printed receipt with identifying information (i.e. buyer's name, credit card account and expiration, product description) or electronic receipt to review and confirm pricing and/or items purchased and that one of ordinary skill in the art would recognize that such a receipt within the context of Cohen's invention would be in audio format (i.e. text-to-speech output to the user as noted above). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Cohen to provide purchase transaction receipts in audio format as taught by ON2, in order for a consumer using the invention of Cohen to receive and review a purchase receipt.

**5. Claim 35 is rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of McCollom (US 6,925, 444).**

Cohen teaches all the above as noted under the 103(a) rejection and teaches and suggests a) audio and voice-enabling web pages and text-to-speech for standard web pages to interface a telephone with the world wide web for commerce transaction, and b) a user making an audio purchase request for

airline tickets, but does not disclose comparing prices for the product at a plurality of merchants. McCollom teaches comparison shopping within a web-based commerce environment using standard web pages to communicate information to a shopper creating a list. McCollom teaches the use of passwords and an electronic wallet to convey payment information. McCollom teaches creating and using a list for comparing prices among a plurality of merchants. One of ordinary skill in the art at time of the invention would recognize that the web-based comparison shopping system of McCollom could be accessed by the invention of Cohen to interface a telephone user to the comparison shopping services of McCollom.

**6. Claims 37, 38, 40-44, 45-47, and 49 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Yasin (PTO-892, Item: U) and McCollom (US 6,925, 444).**

Cohen teaches all the above as noted under the 103(a) rejection and teaches a) implementing user access security, b) http hypertext transfer protocol, c) conventional HTML and voice markup language based on XML, and d) TCP/IP Internet transmission protocol, but does not disclose using other security features. Yasin teaches secure sockets layer (SSL) as the defacto standard for Web security, and further teaches SSL being used to secure HTTP (i.e. HTTPS), FTP, and Telnet sessions (U: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Cohen

to comment on SSL as the defacto standard for Web security as taught by Yasin, in order to convey additional information on Web security standards.

Cohen and Yasin teach all the above as noted under the 103(a) rejection and teaches and suggest a) audio and voice-enabling web pages and text-to-speech for standard web pages to interface a telephone with the world wide web, b) a user making an audio purchase request for airline tickets, c) providing the user a personalized start page, and d) identifying the user as a caller and billing the user for making a call, but does not disclose the audio purchase request including a payment identifier from the user profile. McCollom teaches comparison shopping within a web-based commerce environment using standard web pages to communicate information to a shopper creating a list. McCollom teaches the use of passwords and an electronic wallet to convey payment information. McCollom teaches creating and using a list for comparing prices among a plurality of merchants (see at least abstract; col. 5, line 39 through col. 6, line 11). McCollom teaches providing order status (see at least Fig. 24 (406); col. 23, lines 41-65). One of ordinary skill in the art at time of the invention would recognize that the web-based comparison shopping system of McCollom could be accessed by the invention of Cohen and Yasin in order to interface a telephone user to the web-based comparison shopping services of McCollom, and thereby provide audio-enabled access to electronic commerce web pages.

- 7. Claim 39 is rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397), Yasin (PTO-892, Item: U) and McCollom (US 6,925, 444), as applied to claim 37, further in view of Official Notice (admitted prior art in Paper #21 regarding old and well-known referred to as "ON1").**

Cohen, Yasin, and McCollom teach all the above as noted under the 103(a) rejection and teach identifying the originating caller using "any known method" (see at least Fig. 2 (200); col. 10, lines 40-43), but do not disclose using a reverse lookup directory. The Examiner takes the position that conducting a reverse directory lookup based on telephone numbers to extract customer identifying information is old and well known in the telecommunications industry. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method Cohen to include reverse directory lookup to identify a caller as taught by ON1, in order to provide another method to identify a caller.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner  
August 19, 2006